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Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

5 June 2002

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Summary record of the 19th meeting
Held at Headquarters, New York, on 19 April 2002, at 10 a.m.

Chairman: Mr. Salander ..... (Sweden)

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The meeting was called to order at 11.10 a.m.

Organization of work of the Preparatory Committee

(a) Election of officers

1. **The Chairman** said that the Group of Eastern European States had nominated Mr. Laszlo Molnar (Hungary) to be Chairman of the second session of the Preparatory Committee.

2. *Mr. Molnar (Hungary) was elected Chairman of the second session of the Preparatory Committee.*

(c) Methods of work

3. **Mr. Thamrin** (Indonesia), speaking on behalf of the Movement of Non-Aligned Countries, said that the Movement's Heads of State and Government had frequently underlined the importance of implementing the strengthened review process. The countries members of the Movement were concerned that there had been little interaction beyond formal statements on the reports and substantive proposals made at the current session of the Preparatory Committee. States parties must address the issues raised so as to continue strengthening the implementation of the Treaty and the undertakings agreed at the 2000 Review Conference. That would also lay the necessary foundation for the development of recommendations at the third session of the Preparatory Committee. The functioning of the current session should not be seen as setting a precedent for future meetings. Moreover, the Movement of Non-Aligned Countries further wished to emphasize that transparency in meetings of the Preparatory Committee and the 2005 Review Conference must be a fundamental principle of the Committee's methodology.

4. He requested that his statement should be circulated as a working paper of the Preparatory Committee.

5. **Mr. Rowe** (Sierra Leone) said that his delegation intended to pursue the discussion on the peaceful uses of nuclear technology at future sessions.

Report on the results of the session to the next session of the Preparatory Committee (NPT/CONF.2005/PC.I/CRP.1)

6. **The Chairman** drew attention to the factual summary of the work of the first session of the Preparatory Committee which he had prepared and which had been circulated to Committee members. It was not a negotiated text, and he took full responsibility for its content. The summary would be transmitted to the Preparatory Committee at its second session as an annex to the report of the first session.

7. He then drew attention to the draft report of the Preparatory Committee on the work of its first session, which was contained in document NPT/CONF.2005/PC.I/CRP.1, and suggested that the Preparatory Committee should adopt it paragraph by paragraph.

Paragraphs 1 to 15

8. *Paragraphs 1 to 15 were adopted.*

Paragraph 16

9. **The Chairman** said that some additions and corrections would be made to the list of documents submitted during the session.

10. *Paragraph 16, as amended, was adopted.*

Paragraphs 17 and 18

11. *Paragraphs 17 and 18 were adopted.*

Paragraph 19

12. **The Chairman** said that the following text had been proposed for paragraph 19: "In accordance with the Final Document of the 2000 NPT Review Conference, paragraph 7 of the section on 'Improving the effectiveness of the strengthened review process for the Treaty', the Chairman prepared a factual summary of the Committee's consideration of the issues, which is annexed to the present report."

13. *Paragraph 19 was adopted.*

14. *The report of the Preparatory Committee as a whole, as amended, was adopted.*

15. **Mr. Hassan** (Iraq) drew attention to the Chairman's factual summary and said that his delegation had warned that injecting the question of Iraq into the work of the session would divert attention from the real danger in the Middle East, which was the nuclear weapons in the possession of Israel. Iraq was a party to the Treaty and was fully represented in the safeguards regime of the International Atomic Energy Agency (IAEA). The Security Council resolutions on Iraq had nothing to do with the Preparatory

Committee's mandate. Accordingly, his delegation wished to register its extreme reservations regarding the second paragraph on page 5 of the Chairman's summary because it contained unacceptable references to the Security Council resolutions on Iraq.

16. **Mr. Mubarak** (Egypt), speaking also on behalf of Brazil, Ireland, Mexico, New Zealand, South Africa and Sweden, members of the New Agenda Coalition, said that the commitments given in 1995 and 2000 constituted undertakings that were binding on all States parties to the Treaty, and their implementation was imperative.

17. As contemplated in the strengthened review process, the purpose of the first two sessions of the Preparatory Committee was to consider principles, objectives and ways to promote the full implementation of the Treaty as well as its universality. The current session had provided for an exchange of views and had yielded a number of substantive proposals. Greater interaction would be required at the second and subsequent sessions if the objectives of the strengthened review process were to be achieved. A structured debate and interaction should lead to concrete conclusions and would lay the foundation for the development of recommendations at the third session.

18. The submission by States parties of regular reports, as agreed at the 2000 Review Conference, would complement structured debate and interaction. The New Agenda Coalition had already submitted a working paper on article VI reporting obligations, but further work was needed in that area. The Coalition supported the Canadian proposal for an open-ended process through which further work on reporting obligations could be done over the coming year. The process would be facilitated by a more structured approach, possibly in the form of a subsidiary body of the Preparatory Committee that would work during the intersessional period and submit its findings and recommendations to the next session of the Preparatory Committee. It should be recalled that provision for the establishment of subsidiary bodies had been made in the decisions taken at the 1995 Review and Extension Conference.

19. **Mr. Goussous** (Jordan) said that his delegation had noted a lack of transparency in the Committee's consultations; some of them affected his country directly, yet his delegation had not been involved. He hoped that transparency would improve at future sessions.

20. **Mr. de la Fortelle** (France) said that his delegation was pleased at the level of discussions pursued during the first session of the Preparatory Committee and looked forward to an effective strengthened review process.

21. With regard to the factual summary, however, he noted that there had been no mention of either the group of nuclear suppliers or the Zangger Committee. In addition, the term "States parties" sometimes referred to all States parties while at other times seemed to denote only some States parties. Such ambiguity should be clarified. With reference to issues of substance, he said that the fact that the summary had devoted only one paragraph to the peaceful uses of nuclear energy, a subject of great importance to a number of States parties, did not give a balanced view of the 10 days of discussion within the Committee.

22. Turning to article VI, he said that his delegation believed that different assessments of the progress made in disarmament did not compromise the value of the Treaty itself, since implementation of article VI was not the only criterion for assessing the status of the Treaty's implementation.

23. Attention had been placed during the session on security assurances, and France had reaffirmed that its policy on that matter, which it had previously expressed in its official statement of 6 April 1995 to the Conference on Disarmament and in the protocols additional to the treaties on nuclear-weapon-free zones, remained unchanged. His Government believed that the concerns of States parties regarding such assurances had already been addressed and that another legal instrument was unnecessary. He further recalled that radioactive materials were transported in accordance with agreed international norms and in conditions of safety, security and optimal transparency.

24. **Mr. Wulf** (United States of America) said that the innovative approach taken at the current session to the work of the Preparatory Committee deserved an opportunity to succeed. The factual summary should reflect the desire expressed at the 2000 Review Conference that the Preparatory Committee's sessions should be more harmonious and less controversial than in the past. However, he was not sure that the new approach or the recent proposals made in respect of the second session adequately addressed those concerns.

25. He thanked the Chairman for his genuine effort to produce a factual summary of the proceedings that was not the product of negotiations among the participants. Understandably, there were several areas with which his delegation was not entirely satisfied. While his delegation was pleased that the summary recognized the significance that many had attached to the events of 11 September 2001 for the Committee's work, his delegation would have preferred that more attention should be paid to the general topic of IAEA safeguards, peaceful nuclear cooperation and the question of balance between non-proliferation and disarmament. Nuclear disarmament was not the main criterion through which to evaluate the operation of the Treaty.

26. He endorsed the views expressed by the representative of France regarding the ambiguous use of the term "States parties" in several paragraphs. Specifically, the inference in the factual summary that all States parties supported implementation of all the conclusions of the final document of the 2000 Review Conference was incorrect. He referred to his Government's previous statements on article VI and on the 1995 decision on indefinite extension and said it was incorrect to suggest that the legal effect of that decision was linked to political commitments on security assurances and the Middle East.

27. His delegation was disappointed by the nature of the reference to the Treaty on the Limitation of Anti-Ballistic Missile Systems (ABM Treaty). Many delegations had recognized that his Government's decision to withdraw from that Treaty was not a destabilizing factor, and that there was continued momentum towards further nuclear reductions. Moreover, successful missile defence systems could lead to reduced reliance on nuclear weapons. His Government had no plans to seek ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) but would continue to observe the moratorium on nuclear explosive testing.

28. The United States of America had a strong record of providing information throughout the review process. Increased transparency could improve that process, but only through a voluntary approach. Concerning the proposals for the holding of consultations before the next session of the Preparatory Committee, his delegation wished to reiterate its strong opposition to expanding the NPT review process to include intersessional activity.

29. The naming of specific nations in the factual summary was unnecessary. His delegation did not believe that all States parties had deemed it useful to name Israel in the context of the Middle East, and it regretted the inclusion of Iraq's assertion that it was in compliance with its NPT obligations when it was blatantly violating its obligation to allow IAEA inspections, as required under Security Council resolutions. His delegation strongly opposed the use of the NPT review process to undertake negotiations on issues that should be addressed elsewhere; it likewise opposed the establishment of new mechanisms, as mentioned in the paragraph on the resolution on the Middle East. Lastly, he wished to reaffirm his Government's opposition to the negotiation of a treaty on legally binding global security assurances, either as a separate instrument or as a protocol.

30. **Mr. Quinn** (Australia) said that, by using most of its available time for substantive debates, the Preparatory Committee had met a key goal of the strengthened review process; not having to produce a negotiated consensus outcome had been liberating. Delegations must share responsibility with the Chairman both for careful preparation of sessions and for ensuring an interactive exchange of information. The timetables for the strengthened review process were an extremely useful tool for implementing the Treaty at the national level. Australia had been pursuing intensified dialogue with a range of countries on issues such as the CTBT and the IAEA additional protocol on strengthened safeguards. He thanked the Chairman for a balanced and substantive factual summary and welcomed, in particular, its recognition of the inextricable linkages among various obligations under the NPT, the overwhelming support of States parties for the CTBT and the IAEA additional protocols, the importance of nuclear terrorism and the essential need for effective export control regimes.

31. **Mr.** Byung-se **Yun** (Republic of Korea) expressed general satisfaction with the substantive discussions which had taken place. The Preparatory Committee should reflect the resilience of the Treaty itself, particularly in the face of new security threats since 11 September 2001, and should consider proposals by various delegations on ways and means of strengthening national and global measures to prevent nuclear terrorism. The strong support for and commitment to multilateralism as a core principle in the areas of disarmament and non-proliferation were

encouraging; other multilateral instruments should be recognized and relied on as well.

32. His delegation had reservations with regard to the wording of the sentence on page 5 of the Chairman's summary concerning the 1994 Agreed Framework. The views expressed by a number of States parties, including his own, during the session would be more accurately reflected if the sentence read: "States parties stressed the importance of smooth implementation of the 1994 Agreed Framework "

33. **Mr. Amano** (Japan) noted from the Chairman's factual summary that the overwhelming majority of States parties strongly supported the CTBT. Many delegations had called for the urgent universalization of IAEA additional protocols, and Japan would redouble its efforts to that end. In that connection, it was organizing a global conference in cooperation with IAEA, to be held in Tokyo in the fall. Japan had carried out its maritime transport of radioactive material in a safe and secure manner, in strict conformity with international standards, and was committed to maintaining that high level of safety without prejudice to the freedoms, rights and obligations of navigation provided for in international law. His delegation hoped that the International Conference on the Safety of Transport of Radioactive Material, to be held under IAEA auspices in 2003, would further promote an understanding of maritime transport safety.

34. His delegation welcomed the reference to education on disarmament and non-proliferation in the Chairman's factual summary and hoped to explore ways and means of contributing to that effort once the report of the group of governmental experts had been issued. His delegation also supported the comments made by the representative of the Republic of Korea concerning the implementation of the 1994 Agreed Framework. Lastly, he commended the vital role played by non-governmental organizations (NGOs) in the sessions of the Preparatory Committee.

35. **Mr. Broucher** (United Kingdom), while praising the Chairman's generally effective summary, said that his delegation, too, felt that the use of the term "States parties" in passive grammatical constructions masked disagreements over important issues and created a certai imbalance. There was also an imbalance in the judgement that accountability and transparency of nuclear disarmament measures remained the main criteria for evaluating the operation of the NPT, since compliance and non-proliferation were equally important. Nor did the misleading paraphrase in the third paragraph on page 2 adequately reflect all the measures taken by nuclear-weapon States to remove weapons from service and destroy them. The factual summary could have placed greater emphasis on those States' reaffirmation of negative security assurances.

36. The summary did not include his delegation's response to Iraq that IAEA inspections were no substitute for United Nations inspections, nor did it fully reflect his delegation's views on maritime transport. Nevertheless, he had no problem with annexing the summary to the report as a reflection of the Chairman's personal views.

37. **Mr. Hu Xiaodi** (China) said that, overall, the factual summary was balanced and objective. Referring to page 3, he said that his delegation believed that the specifics of national reporting and the format and frequency of reports should be left to the determination of individual States parties.

38. **Mr. Miranda** (Spain), speaking on behalf of the European Union, the associated countries Bulgaria, the Czech Republic, Lithuania, Poland, Romania, Slovakia and Turkey, and, in addition, Iceland, Liechtenstein and Norway, commended the Chairman on his effective leadership during the session and on his factual summary.

39. **Mr. Zischg** (Austria) thanked the Chairman for resolving the very difficult issue of producing a factual summary. In his delegation's view, the Chairman's summary was the best possible reflection of the wide-ranging discussions that had taken place during the current session and formed an excellent basis for the deliberations of the second session of the Preparatory Committee. Indeed, the reservations expressed by various delegations to specific points in the summary were but proof of its value and success.

40. **Mr. Mostovets** (Russian Federation), noting that the factual summary was generally balanced and objective, expressed dissatisfaction with the criticism of all five nuclear Powers for failing to abide by the provisions of article VI of the NPT. In its statements to the Committee, his delegation had demonstrated very clearly the specific steps taken by the Russian Federation with the ultimate goal of achieving nuclear disarmament. Furthermore, the summary paid scant attention to international cooperation in the peaceful uses of nuclear energy. As his delegation had already

indicated, the Russian Federation could be relied on to provide appropriate information; there was no need for the reporting process to be excessively formal. The advantage of the participation of NGOs in preparations for the Review Conference had been clearly demonstrated; nonetheless, such participation must take place in accordance with the relevant regulations.

41. **Mr. Heinsberg** (Germany) welcomed the factual summary as a balanced reflection of the proceedings. However, his delegation wished to emphasize that the summary attached equal importance to non-proliferation and disarmament, which were mutually reinforcing.

42. **Mr. Barabandi** (Syrian Arab Republic) noted that, according to the factual summary, most delegations had called on Israel to accede to the Non-Proliferation Treaty. In fact, Israel was the only obstacle to establishing a nuclear-weapon-free zone in the Middle East. Israel's rejection of three Security Council resolutions calling for its withdrawal from the Occupied Palestinian Territory accentuated the need for a mandatory and binding mechanism for a nuclear-weapon-free zone in the region.

43. **Mr. Molnar** (Hungary) said that his delegation was pleased to support the factual summary, which was balanced and reflected a well-formulated approach to the deliberations on the NPT.

Closure of the session

44. *After an exchange of courtesies, in which Mr. Ben Youssef (Tunisia), Mr. Broucher (United Kingdom), Mr. Paturej (Poland), Mr. Rowe (Sierra Leone) and Mr. Godsen (South Africa) spoke on behalf of the regional groups and the Movement of Non-Aligned Countries, the Chairman declared the second session of the Preparatory Committee closed.*

The meeting rose at 12.45 p.m.